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Secretary, Federal Communications Commission

1919 M Street, N.W.

Washington, D.C. 20554

MM Docket No. 96-16

I am the president of Empire Broadcasting Corporation, which owns and operates Radio Stations KLIV-AM (San Jose) and KARA-FM (Santa Clara/San Jose) and which, as general partner of KRTY, Ltd., operates Radio Station KRTY-FM.

I wish to take advantage of the Commission's request for public comment on ways the Commission should change its EEO rules. I have three specific suggestions to offer on behalf of Empire Broadcasting Corporation.

1. Regarding multiple-station EEO reports:

I understand that the Commission does not wish to have licensees file EEO reports on more than two radio stations in any one 396 or 396A report. In the case of the three stations which share offices and studios at 750 Story Road in San Jose, such a request would cause us to submit a report

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which would be both artificial and inaccurate. We simply cannot accurately divide the employees working for our company into separate radio stations.

This reality results directly from the Commission's own stated reasons for encouraging duopolies: namely, that the creation of duopolies would allow licensees to reduce expenses by combining expenses -- including payrolls -- of the duopolized stations.

The employees of Radio Stations KLIV-AM, KARA-FM and KRTY-FM are highly integrated. In short, the staffs of the three stations have become, essentially, one. There is virtually no full-time employee of the stations whose duties are devoted exclusively to one of the stations. And many of the employees have job descriptions which specifically require equal activities among the three stations. Here are specific examples:

Robert Kieve acts as general manager of all three stations.

Vincent A. Lopopolo, the company's executive vice-president, is chief engineer for the three stations, has charge of the stations' computerized activities and is involved in the programming, the traffic operations and the accounting of all three stations.

John McLeod, the company's vice president of programming, is involved in the programming of all three stations.

Sandy Lorber, the company's Director of Vendor Sales, works with all

three sales staffs.

Michael McGurk is production director for all three stations.

Nate Deaton is promotion director for all three stations.

Jane McMillan is program director of KLIV-AM, the station which provides news services to both KARA-FM and KRTY-FM; in addition, she acts as evening announcer on KARA-FM.

Carolyn Tarzian is the bookkeeper and office manager for all three stations.

Gloria Grandy acts as receptionist and telephone operator for all three stations; she is also purchasing agent for the three stations.

Mike Danberger acts as assistant to Vince Lopopolo in his chief engineering duties and in his duties with respect to the company's computerized activities. He also acts as studio-maintenance director for all three stations.

Ailee Cavender is credit manager for all three stations.

A. Stuart Hinkle is national sales manager for all three stations.

Terry Rust is regional sales manager for all three stations.

Anna Chan, who will join the company on August 1, will be manager of data bases used by all three companies; she will also operate in the traffic departments of all three stations.

Rosana Madrigal is public affairs director for all three stations.

Thus, 15 of our 50 full-time employees -- 30% -- simply cannot accurately be counted as employees of any one radio station; they spend all

of their time working for all three of them, without distinction.

But that is only part of the story. Every one of the remaining 35 full-time employees also spend part of their time working not for one station, but for the other stations in the company, as well.

The salespeople, for example, frequently are given the opportunity of selling not merely for the stations to which they are primarily assigned, but to the other two stations as well.

The announcers, as another example, do production work not merely for the stations to which they are primarily assigned, but for the other two stations as well.

The news staff members of KLIV, as still another example, create news material for KARA and KRTY.

Finally, the individual employees who work on traffic (i.e., scheduling) are trained to do traffic work for any one of the three stations.

These 35 employees, to be sure, can be assigned -- albeit with some difficulty -- to the specific, individual stations to which they devote most of their time. In the case of the remaining 15 employees, however, it is simply impossible to assign them to individual stations; they work

for all three of them. Essentially, they work for Empire Broadcasting Corporation.

2. The Need for a "Running" Pool

Most radio stations experience significant turnover of employees. This is especially true in sales departments. And in our company, where we strive to maintain sales staffs of at least six salespeople in each station, the turnover is very significant.

As a result, our company is constantly recruiting. (And, even though we use call letters in our recruitment ads, our recruitment is, essentially, company wide.)

The pools from which we hire are therefore not separate pools. We use one continuing pool for salespeople. A salesperson whom we hire in April, for example, might come from the same pool as a person hired three weeks or three months later.

It should be noted that although active recruiting is almost continuous and therefore regularly refreshes the pool, the pool itself remains basically the same.

Although recruiting for salepeople is by far the most active recruiting effort the company engages in, it is, of course, not the only recruiting. Individual pools are also recreated for the much-less-frequent selection of new employees in the areas of news reporters, music announcers and clerical employees.

3. The importance of part-time employees

The Commission currently gives little or no weight to a licensee's part-time employees. But such employees play an important role in a station's EEO efforts. This company's full-time news reporters and anchors, for example, are frequently selected from among the many part-time news people

It may be well for the Commission to give equal weight to statistics that measure the number of employees in the part-time category..

Robert S. Kieve
President